

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROSE AMOUGOU NGASSAM

Plaintiff,

v.

**MICHAEL CHERTOFF,
Secretary of Department of Homeland
Security; EMILIO GONZALEZ,
Director of United States Citizenship &
Immigration Services, F. GERARD
HEINAUER, Director of the Nebraska
Service Center of United States
Citizenship & Immigration Services**

Defendants.

Case No: 07 Civ. 8172 (LLS)

**ORDER FOR
RECONSIDERATION/REARGUMENT**

THIS MATTER having come before the Court by application of the Plaintiff, for an order reinstating Plaintiff's Complaint and Order to Show Cause for a Preliminary Injunction Is Hereby Granted.

The Court Having FOUND that

Subject matter jurisdiction exist over this action pursuant to 28 U.S.C. § 1361, (the Mandamus Act) and over 5 U.S.C. § § 701 *et seq.* (Administrative Procedure Act) on account 28 U.S.C. § 1331 (federal question jurisdiction);

It is hereby ORDERED that:

- 1) The Court's September 19, 2007 Order of Dismissal is Reversed

- 2) Plaintiff's Complaint and Order to Show Cause for Preliminary Injunction are reinstated;
- 3) Plaintiff's Order to Show Cause is Granted, such that Defendants are ordered to show cause on the ____day of October, 2007 why a Preliminary Injunction should not be granted ordering the Defendants to comply with all regulations governing eligibility for and adjudication of asylee-relative petitions.
- 4) Grant Plaintiff all further and such relief as this court deems just, proper and equitable;
- 5) A copy of this order shall be served upon all counsel within _____ days of receipt by Plaintiff.

Date

U.S.D.J.